

MESSAGE NO: 2198115 MESSAGE DATE: 07/16/1992

MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: ORD-Order PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): C-122-816

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 06/06/1992 TO

Notice of Lifting of Suspension Date: 03/12/1992

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: NOTICE OF COUNTERVAILING DUTY ORDER ON SOFTWOOD LUMBER FROM CANADA

MESSAGE NO: 2198115

DATE: 07 16 1992

CATEGORY: CVD

TYPE: ORD

REFERENCE:

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CASES: C - 122 - 816

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PERIOD COVERED: 06 06 1992 TO

LIQ SUSPENSION DATE: 03 12 1992

TO: REGIONAL DIRECTORS, COMMERCIAL OPERATIONS
DISTRICT DIRECTORS, AREA AND PORT DIRECTORS

FROM: DIRECTOR, IMPORT SPECIALIST DIVISION

RE: NOTICE OF COUNTERVAILING DUTY ORDER ON SOFTWOOD
LUMBER FROM CANADA

1. ON JULY 6, 1992, THE INTERNATIONAL TRADE COMMISSION (ITC) NOTIFIED THE DEPARTMENT OF COMMERCE OF ITS DETERMINATION THAT CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA ARE MATERIALLY INJURING A U.S. INDUSTRY. AS A RESULT, THE DEPARTMENT OF COMMERCE HAS PUBLISHED IN THE FEDERAL REGISTER ON JULY 13, 1992, NOTICE OF ITS COUNTERVAILING DUTY ORDER.

2. THE PRODUCTS COVERED BY THIS ORDER ARE: 1) CONIFEROUS WOOD, SAWN OR CHIPPED LENGTHWISE, SLICED OR PEELED, WHETHER OR NOT

PLANED, SANDED OR FINGER-JOINTED, OF A THICKNESS EXCEEDING SIX MILLIMETERS; 2) CONIFEROUS WOOD SIDING (INCLUDING STRIPS AND FRIEZES FOR PARQUET FLOORING, NOT ASSEMBLED) CONTINUOUSLY SHAPED (TONGUED, GROOVED, RABBITTED, CHAMFERED, V-JOINTED, BEADED, MOLDED, ROUNDED OR THE LIKE) ALONG ANY OF ITS EDGES OR FACES, WHETHER OR NOT PLANED, SANDED OR FINGER-JOINTED; 3) OTHER CONIFEROUS WOOD (INCLUDING STRIPS AND FRIEZES FOR PARQUET FLOORING, NOT ASSEMBLED) CONTINUOUSLY SHAPED (TONGUED, GROOVED, RABBITTED, CHAMFERED, V-JOINTED, BEADED, MOLDED, ROUNDED OR THE LIKE) ALONG ANY OF ITS EDGES OR FACES, WHETHER OR NOT PLANED, SANDED OR FINGER-JOINTED; AND 4) CONIFEROUS WOOD FLOORING (INCLUDING STRIPS AND FRIEZES FOR PARQUET FLOORING, NOT ASSEMBLED) CONTINUOUSLY SHAPED (TONGUED, GROOVED, RABBITTED, CHAMFERED, V-JOINTED, BEADED, MOLDED, ROUNDED OR THE LIKE) ALONG ANY OF ITS EDGES OR FACES, WHETHER OR NOT PLANED, SANDED OR FINGER-JOINTED. SUCH PRODUCTS ARE CURRENTLY PROVIDED FOR UNDER SUBHEADINGS 4407.1000, 4409.1010, 4409.1090, 4409.1020, RESPECTIVELY, OF THE HARMONIZED TARIFF SCHEDULE (HTS). ALTHOUGH HTS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, OUR WRITTEN DESCRIPTION OF THE SCOPE OF THIS ORDER REMAINS DISPOSITIVE.

3. FOR PURPOSES OF THE COUNTERVAILING DUTY ORDER, FIELD OFFICES SHOULD SUSPEND LIQUIDATION ON ENTRIES OF CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA THAT ARE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION, ON OR AFTER JULY 13, 1992, AND COLLECT A CASH DEPOSIT OF 6.51 PERCENT AD VALOREM FOR ALL COMPANIES EXCEPT THE FOLLOWING WHICH ARE EXCLUDED FROM THE COUNTERVAILING DUTY ORDER, THE SUSPENSION OF LIQUIDATION AND ALL CASH DEPOSIT REQUIREMENTS:

1. J.A. FONTAINE ET FILS, INC.
2. J.D. IRVING, LTD.
3. MARCEL LAUZON, INC.
4. LES PRODUITS FORESTIERS D AND G, LTD.
5. FRANCOIS GIGUERE, INC.
6. REAL GRONDIN, INC.
7. BOIS DAAQUAM

8. RENE BERNARD, INC.
9. WILFRID PAQUET AND FILS, LTEE.
10. GRONDIN INDUSTRIES
11. CARRIER AND BEGIN, INC.
12. CLERMOND HAMMEL, LTEE.
13. PAUL VALLEE, INC.
14. SCIERIE TESIER LACHANCE, INC.
15. SCIERIE LA PATRIE, INC.

4. FIELD OFFICES SHOULD CONTINUE TO SUSPEND LIQUIDATION OF ALL ENTRIES OF CERTAIN SOFTWOOD LUMBER PRODUCTS FROM CANADA THAT ARE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION, ON OR AFTER MARCH 12, 1992.

5. THIS SUSPENSION OF LIQUIDATION SHALL REMAIN IN EFFECT UNTIL FURTHER NOTICE.

6. THE SUSPENSION OF LIQUIDATION AND CASH DEPOSIT REQUIREMENT DOES NOT APPLY TO LUMBER PRODUCED IN THE MARITIME PROVINCES (PRINCE EDWARD ISLAND, NOVA SCOTIA, NEW BRUNSWICK AND NEWFOUNDLAND) UNLESS THAT LUMBER IS PRODUCED FROM CROWN TIMBER HARVESTED IN ANY CANADIAN PROVINCE OTHER THAN THE MARITIME PROVINCES.

7. AFTER DISCUSSIONS WITH THE U.S. DEPARTMENT OF COMMERCE, CUSTOMS HAS AGREED TO IMPLEMENT SPECIAL PROCEDURES TO ASSESS THE

6.51 PERCENT AD VALOREM RATE AGAINST THE FOB FIRST MILL VALUE. THE FOLLOWING SPECIAL PROCEDURES ARE EFFECTIVE MAY 28, 1992 (ENTRY SUMMARY DATE FOR IMMEDIATE DELIVERY).

A) YOU SHOULD CONTINUE TO APPRAISE THE SUBJECT MERCHANDISE IN ACCORDANCE WITH NORMAL VALUE PROCEDURES.

B) FOR THE PURPOSES OF CALCULATING THE CVD CASH DEPOSIT AMOUNT,

THE IMPORTER MAY CLAIM THE FOB FIRST MILL VALUE IF THE APPRAISED VALUE IS HIGHER THAN THE FOB FIRST MILL VALUE. IF EVIDENCE EXISTS THAT INDICATES THE TRANSACTION BETWEEN THE TWO CANADIAN FIRMS WAS NOT AT "ARMS LENGTH" YOU SHOULD NOT ACCEPT THE FOB FIRST MILL PRICE. IF THERE IS A QUESTION AS TO WHETHER THE TRANSACTION WAS AT "ARMS LENGTH", REQUIRE OF THE IMPORTER A STATEMENT ATTESTING THAT THE TRANSACTION WAS AT "ARMS LENGTH".

C) THE FOB FIRST MILL VALUE MUST BE BASED ON APPROPRIATE DOCUMENTATION, SUCH AS A COMMERCIAL INVOICE FROM THE FIRST MILL, A PROFORMA INVOICE, AN EXPORT CERTIFICATE OR SHIPPERS DECLARATION, OR AFFIDAVIT. THE DOCUMENTATION MUST BE PRESENTED AT THE TIME OF ENTRY SUMMARY. THE APPROPRIATE DOCUMENTS ARE NOT BONDABLE DOCUMENTS, AND IN THE ABSENCE OF THE APPROPRIATE DOCUMENTS YOU ARE TO ASSESS THE CVD RATE ON THE ENTERED VALUE.

D) IF THE CUSTOMS FIELD OFFICERS HAVE A QUESTION AS TO THE VALUE DECLARED AS THE FIRST MILL VALUE, THEY SHOULD REFER THE MATTER TO HQ OAB FOR TRANSMITTAL TO COMMERCE.

E) FOR NON-ABI ENTRIES THE FOB FIRST MILL VALUE MUST BE ENTERED IN THE "CVD SPEC DEP VALUE" FIELD ON THE ENBA SCREEN.

F) FOR ABI ENTRIES ABI FILERS SHOULD REFER TO THE CATAIR PAGE ENS-40-02 IN THE ENTRY SUMMARY CHAPTER, RECORD IDENTIFIER 40, DATA ELEMENT "CVD SPECIFIC DEPOSIT VALUE".

8. ALSO PLEASE NOTE THAT THESE INSTRUCTIONS IN NO WAY HAVE ANY EFFECT ON THE ENTRIES UPON WHICH LIQUIDATION WAS WITHHELD PRIOR TO MARCH 12, 1992 UNDER SEPARATE 301 ACTION. LIQUIDATION OF THOSE ENTRIES SHOULD CONTINUE TO BE WITHHELD UNTIL FURTHER NOTICE.

9. FOR FURTHER REPORTING PURPOSES, THIS COUNTERVAILING DUTY CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER C-122-816.

10. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, THEY SHOULD BE REFERRED TO THE IMPORT SPECIALIST

DIVISION, OTHER AGENCY BRANCH VIA EMAIL TO ATTRIBUTE "HQ OAB".
THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT
NORBERT GANNON OR KELLY PARKHILL OF THE OFFICE OF COUNTERVAILING
COMPLIANCE, IMPORT ADMINISTRATION, INTERNATIONAL TRADE
ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, TELEPHONE: (202)
377-2786.

11. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THE ABOVE
INFORMATION.

WILLIAM LUEBKERT
ACTING DIRECTOR, OFFICE OF TRADE OPERATIONS

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party